

## **SECTION G-C: USE OF GRANT FUNDS**

### **C-1: What activities are allowable under this grant program?**

See pages A-3 and A-4 of the application.

#### **Experience & Practice #7: Academic Enrichment Activities**

Academic enrichment can include tutoring in core academic subjects and provide extra learning opportunities that provide students with ways to practice their academic skills through engaging, hands-on activities. Such activities might include: chess clubs to foster critical thinking skills, persistence and other positive work habits; theatre programs to encourage reading, writing and speaking as well as teamwork, goal-setting and decision-making; book clubs to encourage reading and writing for pleasure; cooking programs to foster application of reading, writing, math and science skills; poetry contests to encourage reading, writing and speaking; woodworking programs to encourage planning, measurement, estimation and other calculation skills; and computer clubs, including newspaper publishing, to promote writing, editing and knowledge of and comfort with technology.

These kinds of enrichment programs are consistent with evidence of the importance of constructive learning activities during the non-school hours. For example, researcher Reginald Clark found that economically disadvantaged youth who participated in constructive learning activities for 20-35 hours per week performed better in school than their more passive peers.

### **C-2: Can 21st CCLC program funds support services to adults?**

Yes. Adult family members of students participating in a community learning center may participate in educational services or activities appropriate for adults. In particular, local programs may offer services to support parental involvement and family literacy. Services may be provided to families of students to advance the students' academic achievement. *However, programs are open only to those adults who are members of the families of participating children.*

### **C-3: Can 21st CCLC program funds support services for pre-kindergarten children?**

Yes. Although "students" are designated in statute as the intended beneficiaries of the program, the USDOE believes that younger children who will become students in the schools being served can also participate in program activities designed to get them ready to succeed in school.

### **C-4: Several civil rights laws apply to recipients of Federal grants. Do these laws apply to private organizations that receive a grant under this program?**

Yes, these laws apply to recipients of Federal financial assistance, whether they are public or private. They include Title VI of the Civil Rights Act, which bars discrimination based on race, color, or national origin; Title IX of the Education Amendments of 1972, which bars discrimination based on gender; Section 504 of the Rehabilitation Act of 1973, which bars discrimination based on disability; and the Age Discrimination Act of 1975. Section 9534 of the Elementary and Secondary Education Act in effect provides that nothing in that Act disturbs the application of these laws. By the same token, the Act does not alter the applicability of other non-discrimination laws that are unrelated to the receipt of federal funds (such as Title VII of the Civil Rights Act, which forbids employment discrimination on the basis of race, color, religion, sex, or national origin, but also contains certain exceptions).

### **C-5: Which Equitable Access and Participation regulations apply to this program?**

Section 427 of the General Education Provisions Act (GEPA) affects applicants for this grant program. All applicants will include information to address this provision under the "Equitable Access" portion of the Management Plan. Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers might prevent your students, teachers, etc. from such access or participation in the project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the funds awarded to it to eliminate barriers it identifies.

### **C-6: What are some examples of how an applicant might satisfy the Section 427 GEPA requirements?**

The following examples may help illustrate how an applicant may comply with Section 427 of GEPA.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in Braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls to encourage their enrollment.

### **C-7: What flexibility does a local educational agency have in its uses of 21st CCLC program funds?**

Generally, an LEA, or any other grantee, must use its 21st CCLC funds to provide after-school enrichment programs as described in its application. However, the reauthorized ESEA provides some flexibility in how 21st CCLC funds can be used at the local level for grantees that are LEAs.

- ◆ *Consolidation of Local Administration Funds.* With approval from the state, LEAs may consolidate administrative funds with any other administrative funds available from ESEA programs, consistent with the administrative provisions established for each program. Such consolidation may enhance the effective and coordinated use of administrative funds under the consolidated programs.

- ◆ *Schoolwide programs.* LEAs are permitted to consolidate and use funds under Part A of Title I together with 21st CCLC and other ESEA program funds received at the school to upgrade the entire educational program of a school that serves an eligible school attendance area. (A school in which at least 40 percent of the children are from low-income families is eligible for "schoolwide" status.) However, local schools are still responsible for implementing activities for which they received the 21st CCLC award.

#### **C-8: Can 21st CCLC activities take place during the regular school day?**

No. The statute specifically indicates services are to be provided outside the regular school day, that is, before-school, after-school, evenings, weekends, or summer. The program may offer services to students during normal school hours on days when school is not in session, e.g., school holidays or teacher professional development days. However, activities targeting pre-kindergarten children and adult family members may take place during regular school hours, as these times may be the most suitable for serving these populations.

C-9: Can the 21st CCLC local grantees work with other Federal, State and local programs that have related purposes?

Yes. The USDOE strongly encourages local programs to identify other sources of related funding and to describe, in their applications, how all of these resources will be combined or coordinated to offer a high-quality, sustainable program. Each local application must identify Federal, State, and local programs that also offer after-school services and that will be combined or coordinated with the proposed program to make the most effective use of public resources.

#### **C-10: How does 21st CCLC fit within the broader context of a school's improvement plan?**

A 21st CCLC program can be an important component in a school improvement plan, particularly as it offers extended learning time to help children meet State and local academic standards. Local programs must ensure that the academic services they provide are aligned with the school's curriculum in the core subject areas.

#### **C-11: May LEAs or other organizations charge indirect costs to their 21st CCLC grant?**

Yes. Indirect costs are the expenses incurred by a school district, community-based organization or other entity in administering or providing program services. A grantee must have, or must establish, an indirect cost rate agreement to charge indirect costs to a grant. A grantee that does not have a current indirect cost rate -which may be initially established by a Federal or State agency that has previously provided a grant to that organization -may request that the State negotiate such an agreement or refer them to the "cognizant" agency that establishes such a rate (SDE will be considered the cognizant agency for all grantees). See EDGAR §75.560. The State, as the grantee, is responsible for ensuring that local grantees properly expend and account for Federal funds, including direct or indirect costs. Claims for indirect costs are determined in accordance with applicable Federal cost principles. In some instances, a local grantee may be the direct recipient of other Federal grants or contracts and will have had its indirect costs approved by the Federal Government. In such cases, the State grantee may generally rely on the determinations of the Federal Government and should contact the Federal agency that approved the costs to ensure that its determinations apply to the State's situation. When a local grantee has not been the direct recipient of Federal funds or has not received Federal approval of its costs, the State is responsible for determining acceptable direct or indirect costs.

The following can be used as a guide:

- ◆ Local grantee (receiving direct federal funding)

If the local grantee is a non-profit AND receives some other DIRECT funding from a Federal agency (e.g., ED, HHS, or DOL), the indirect cost rate agreement must be approved by the cognizant Federal agency under OMB Circular A-122.

The same scenario applies to Institutions of Higher Education (IHEs), pursuant to OMB Circular A-21. (Note: Student aid money is not considered direct assistance.)

- ◆ Local grantee (not receiving direct Federal funding)

If the IHE or non-profit local grantee does NOT also receive direct assistance from a Federal agency, then the state is responsible for the rate negotiation.

- ◆ Local educational agency (LEA)

If the local grantee is an LEA, it should already have an indirect cost rate. The state should use the restricted rate methodology when reviewing proposed rates for LEAs.

- ◆ Commercial organizations

If the local grantee is a for-profit organization, the Federal Acquisition Regulations (FAR) apply. A formal rate agreement is discretionary, but the state is responsible for determining the allow ability of the costs charged to the grant.

- ◆ Other information

Direct administrative charging is not recommended because of the supplanting complexities. Additionally, a direct cost approach has to be approved because direct billing will only work if the grant is the organization's sole source of funds. If a fixed-price subcontract is issued by a grantee, an indirect cost rate agreement is not required. However, the grantee is responsible for evaluating the allow ability of the costs prior to awarding a fixed-price subcontract. Awards are subject to the non-supplanting and restricted rate requirements of 34 CFR 76.563.

### **C-12: May a grantee charge pre-award costs to the 21st CCLC grant?**

No. If the local organization incurs financial obligations before or after the grant period, they will be the responsibility of the grantee.

### **C-13: Can a local grantee charge the 21st CCLC grant for costs incurred after the grant period?**

An organization that receives a 21st CCLC grant may use 21st CCLC funds for allowable costs only during the grant award period. For example, a grantee is free to enter into a multi-year contract with a service provider; however, 21st CCLC funds may only be used for allowable costs related to that contract occurring within the grant award period.

**C-14: How does the "carryover provision" apply to 21st CCLC funds at the local level?**

Grantees will be permitted to carry over unobligated 21st CCLC funds. A Revised Carryover Budget Request must be submitted to the SDE for approval. Once the Carryover Budget has been approved, Carryover Funds are available for Expenditures. However, these carryover funds must be spent within the time period allowed by the USDOE.

**C-15: What happens to grant funds if a grantee is not making substantial progress and continuation funding is denied?**

If it is determined that a grantee is not making substantial progress and continuation funding is denied, the state may redistribute any unobligated 21st CCLC funds, even if doing so would reduce the funds available to the grantee below \$50,000.

**C-16: May a grantee use 21st CCLC program funds to pay or reimburse a proposal-writing firm for developing its grant application?**

No. These costs should be treated as indirect costs and not charged directly to the grant.

**C-17: Must community-learning centers provide services free of charge?**

No. However, programs must be equally accessible to all students targeted for services, regardless of their ability to pay. Programs that charge fees may not prohibit any family from participating due to its financial situation. The priority of the program to serve poor students and families could be compromised through high program fees. Programs that opt to charge fees must offer a sliding scale of fees and scholarships for those who cannot afford the program. Income collected from fees must be used to fund program activities specified in the grant application.

**C-18: What policies may be waived if requested in the 21st CCLC grant application document? Where in the application are the waivers to be requested?**

**WAIVERS**

If sufficient need is demonstrated, requests for waivers of application policies may be granted. Waivers may be requested in the following areas:

- ◆ To waive the competitive priority #2 requirement that the application be submitted jointly by at least one school building benefiting from 2004-2005 Title 1, Part A funds and at least one public or private community-based organization (CBO) due to the lack of a CBO within reasonable geographic proximity and of sufficient quality;
- ◆ To exceed the per pupil cost funding guidelines;
- ◆ To propose ownership of property or equipment purchased with 21st CCLC grant monies other than ownership by the grantee(s);
- ◆ To exceed the 2% annual budget limitation on computer hardware purchases;
- ◆ To exceed the \$15/hour or \$120/day limit, or the school district contract rate for stipends for grant-related non-contract time work; and
- ◆ To exceed the \$62.50/hour or \$500/day limit for consultants.

The waiver for competitive priority #2 must be requested in Part 4 - Absolute and Competitive Priorities. Waivers for the other policies must be requested in Part 8A - Adequacy of Resources. (Sample Form found G-G-8)